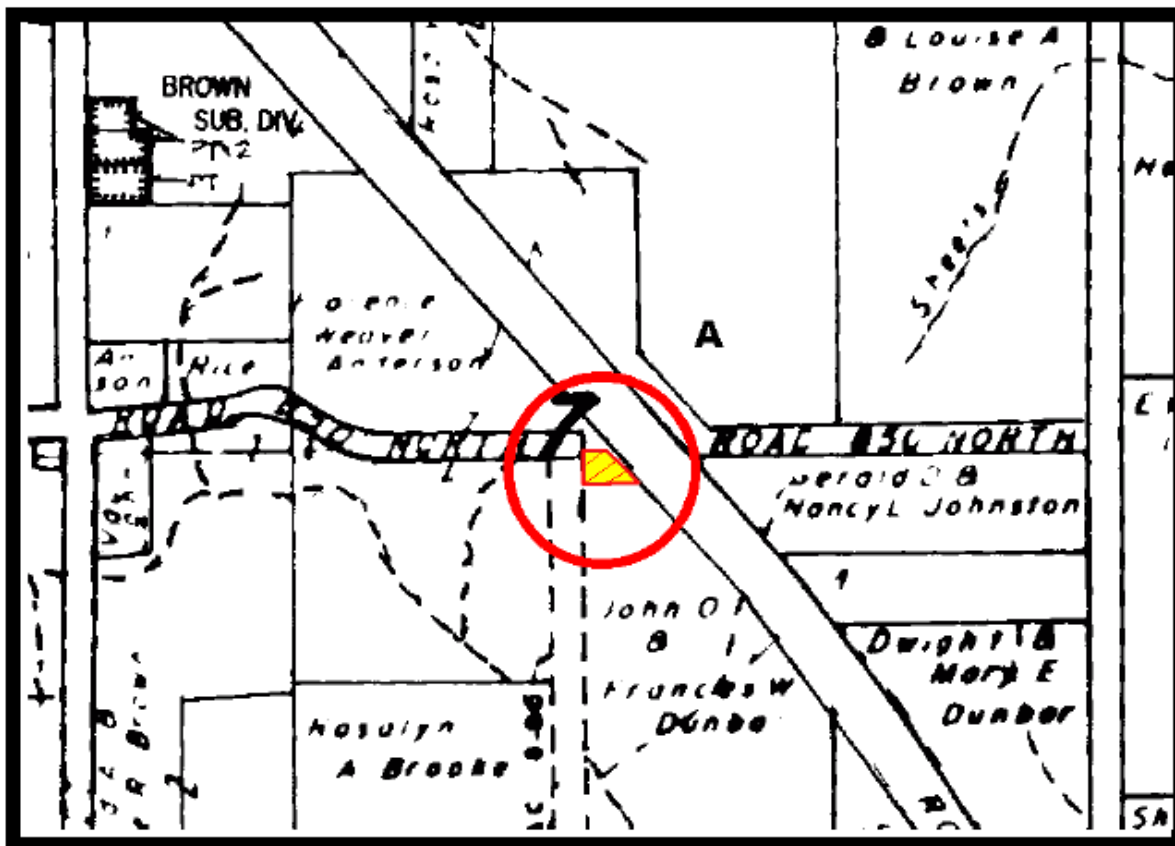


---

\_\_\_\_\_



**BZA-1863**  
**CROWN CASTLE USA**  
**Variance**

**Staff Report**  
**September 20, 2012**

---

**REQUEST MADE, PROPOSED USE, LOCATION:**

Petitioner, with consent of the owner, is requesting a setback variance of 47' 10" instead of the required 51' for a 255' tall existing primary communications tower; setbacks are equal to 20% of the tower height. A special exception request for the tower is also on this agenda, BZA-1864. The tower is located in the A zoning district, where CR 850 N dead ends at I-65, 609 W 850 N in Tippecanoe, 7 (SE) 24-4. (UZO 4-11-7(b)(2))

**AREA ZONING PATTERNS:**

The site and all surrounding property is zoned A, agricultural.

**AREA LAND USE PATTERNS:**

This communications tower is the only use on this portion of CR 850 N. Farm fields and large lot residential surround the site. Residential uses become more prevalent along CR 100 W.

**TRAFFIC AND TRANSPORTATION:**

There is little traffic on this one lane, dead-end gravel road. Two homes and petitioner's cell tower and cabinets are the only structures which derive access from this portion of CR 850 N. County Road 100 W is a highly traveled road, seeing 831 cars daily in 2012; any traffic generated by this use would have little impact on that road.

**ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**

No well or septic are required for this use. No bufferyards are needed and all necessary fencing is in place.

**STAFF COMMENTS:**

The 255' primary communications tower was constructed in 1998. It received a special exception in 1999 that provided for co-location of up to four carriers. However, at that time, the 47' northern property setback did not meet the required 20% of the tower height (255' x 20%=51'). This variance request is to legitimize that setback.

Regarding the ballot items:

1. The Area Plan Commission at its September 19, 2012 determined that the variance requested **IS NOT** a use variance.

And it is staff's opinion that:

2. Granting this variance for a situation that has existed for 14 years **WILL NOT** be injurious to the public health, safety, and general welfare of the community.
3. Because there has been no record of complaint regarding this tower or its setback, use and value of adjacent areas **WILL CONTINUE TO NOT** be affected in a substantially adverse manner.
4. The terms of the zoning ordinance are being applied to a situation that **IS NOT** common to other properties in the same zoning district. The site is located at the dead end of CR 850 adjacent to the interstate.
5. Requiring petitioner to remove a portion of the tower to meet the setback requirements from the property line that abuts a virtually untraveled portion of CR 850 N **WILL** result in an unusual or unnecessary hardship.

**Note:** Questions 5a. and 5b. need only be answered if a hardship is found in Question 5 above.

5a. The hardship involved **IS NOT** self-imposed. The tower has existed at this location for 14 years; staff is unsure why, with the original special exception filing, a variance was not also requested.

5b. The variance sought **DOES** provide only the minimum relief needed to alleviate the hardship of this existing condition.

**STAFF RECOMMENDATION:**

Approval